

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

BLUE SPIKE, LLC,

Plaintiff,

v.

TEXAS INSTRUMENTS, INC., *et al.*,

Defendants.

Civil Action No. 6:12-CV-499-LED

JURY TRIAL DEMANDED

**PLAINTIFF'S REPLY IN RESPONSE TO DEFENDANT
MIRANDA'S COUNTERCLAIMS**

Plaintiff Blue Spike, LLC files this Reply to the Counterclaims of Miranda Technologies Partnership (“Miranda” or “Defendant”) (Dkt. No. 222) as follows. All allegations not expressly admitted or responded to by Plaintiff are denied.

THE PARTIES

1. Plaintiff admits the allegations of Paragraph 1, upon information and belief.
2. Plaintiff admits the allegations of Paragraph 2.

JURISDICTION AND VENUE

3. Plaintiff admits the allegations of Paragraph 3.
4. Plaintiff admits that Defendant purports to bring an action for declaratory judgment and that this Court has subject matter jurisdiction over Defendant’s counterclaims.
5. Plaintiff admits the allegations of Paragraph 5.
6. Plaintiff admits that it has consented to venue in the Eastern District of Texas. Plaintiff denies the remaining allegations of Paragraph 6.

**FIRST COUNTERCLAIM: DECLARATORY JUDGMENT OF
NON-INFRINGEMENT OF THE '175 PATENT**

7. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 6 above.
8. Plaintiff admits the allegations of Paragraph 8.
9. Plaintiff denies the allegations of Paragraph 9.
10. Plaintiff denies the allegations of Paragraph 10.

**SECOND COUNTERCLAIM: DECLARATORY JUDGMENT OF
INVALIDITY OF THE '175 PATENT**

11. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 10 above.
12. Plaintiff admits the allegations of Paragraph 12.
13. Plaintiff denies the allegations of Paragraph 13.
14. Plaintiff denies the allegations of Paragraph 14.

**THIRD COUNTERCLAIM: DECLARATORY JUDGMENT OF
NON-INFRINGEMENT OF THE '494 PATENT**

15. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 14 above.
16. Plaintiff admits the allegations of Paragraph 16.
17. Plaintiff denies the allegations of Paragraph 17.
18. Plaintiff denies the allegations of Paragraph 18.

**FOURTH COUNTERCLAIM: DECLARATORY JUDGMENT OF
INVALIDITY OF THE '494 PATENT**

19. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 18 above.
20. Plaintiff admits the allegations of Paragraph 20.

21. Plaintiff denies the allegations of Paragraph 21.
22. Plaintiff denies the allegations of Paragraph 22.

**FIFTH COUNTERCLAIM: DECLARATORY JUDGMENT OF
NON-INFRINGEMENT OF THE '700 PATENT**

23. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 22 above.
24. Plaintiff admits the allegations of Paragraph 24.
25. Plaintiff denies the allegations of Paragraph 25.
26. Plaintiff denies the allegations of Paragraph 26.

**SIXTH COUNTERCLAIM: DECLARATORY JUDGMENT OF
INVALIDITY OF THE '700 PATENT**

27. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 26 above.
28. Plaintiff admits the allegations of Paragraph 28.
29. Plaintiff denies the allegations of Paragraph 29.
30. Plaintiff denies the allegations of Paragraph 30.

**SEVENTH COUNTERCLAIM: DECLARATORY JUDGMENT OF
NON-INFRINGEMENT OF THE '472 PATENT**

31. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 30 above.
32. Plaintiff admits the allegations of Paragraph 32.
33. Plaintiff denies the allegations of Paragraph 33.
34. Plaintiff denies the allegations of Paragraph 34.

**EIGHTH COUNTERCLAIM: DECLARATORY JUDGMENT OF
INVALIDITY OF THE '472 PATENT**

35. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 34 above.
36. Plaintiff admits the allegations of Paragraph 36.
37. Plaintiff denies the allegations of Paragraph 37.
38. Plaintiff denies the allegations of Paragraph 38.

EXCEPTIONAL CASE

39. Plaintiff denies the allegations of Paragraph 39.

REQUEST FOR RELIEF

Plaintiff denies that Defendant is entitled to any of the relief it requests.

PLAINTIFF'S PRAYER FOR RELIEF

In addition to the relief requested in Plaintiff's Original Complaint, Plaintiff respectfully requests a judgment against Defendant as follows:

- (a) That Defendant take nothing by its Counterclaims;
- (b) That the Court award Plaintiff its costs and attorneys' fees incurred in defending against these Counterclaims; and
- (c) Any and all further relief for the Plaintiff as the Court may deem just and proper.

Dated: December 17, 2012

Respectfully submitted,

/s/ Randall T. Garteiser
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Counsel for Blue Spike, LLC

CERTIFICATE OF SERVICE

I, Randall T. Garteiser, am the ECF User whose ID and password are being used to file this document. I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this day. Pursuant to Federal Rule of Civil Procedure 5, today this document was served via U.S. Mail and electronic means to counsel for Defendant that are not receiving this document via CM/ECF.

/s/ Randall T. Garteiser
Randall T. Garteiser